

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DONALD CHARLES NICHOLAS,

Plaintiff,

v.

CASE NO: 22-CV-11971

UNITED STATES OF AMERICA,

Defendant.

/

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

This matter was referred to United States Magistrate Curtis Ivy, Jr. pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. In his report filed on February 9, 2023, the magistrate judge recommended that this court grant Defendant's Motion to Dismiss (ECF No. 20). The Plaintiff requested and was granted an extension of time to March 20, 2023 to file any objections to the report and recommendation.

No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived.¹

The Court ADOPTS the Report and Recommendation for purposes of this Order.

¹The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendant's Motion to Dismiss the Complaint is GRANTED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: March 23, 2023

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, March 23, 2023, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(810) 292-6522